



04-24-03

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Certificate of Mailing By "U.S. Express Mail" Under 37 C.F.R. 1.10(c)
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I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Assistant Commissioner For Patents, Washington, DC 20231.
Name: MARTINA M. IBARRA 4/22/03 _____
Date Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Fernandez, et al
Serial No.: 09/435,504
Filed: 11/6/1999
For: Bioinformatic Transaction Scheme

Attorney Docket No. FERN-P006
Examiner: Robert W. Morgan
Art Unit: 3626

Assistant Commissioner of Patents
Washington, D.C. 20231

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AMENDMENT TRANSMITTAL LETTER

Dear Sir:

1. **TRANSMITTED DOCUMENTS:** the following documents relating to the above-identified patent application are being transmitted herewith.

- X a. An Amendment for this application: 5 pages.
____ b. Substituted Formal Drawings: _____ sheets.
____ c. A Petition For Extension of Time For Response under 37 CFR 1.136(a) incorporated herein.
____ d. An Information Disclosure Statement under 37 CFR 1.97(b) X 1.97(c)
X e. A stamped, self-addressed, return postcard.
____ f. A Check (# _____) for \$ _____ to cover required fees of this correspondence.

2. **APPLICANT FILING STATUS:**

- ____ a. Applicant is a Large Entity.
X b. Applicant is a Small Entity.

3. **EXTENSION OF TIME:**

- ____ a. Applicant petitions for an extension of time under 37 C.F. R. 1.136 for the total number of _____ months checked below (fees pursuant to 37 C.F.R. 1.17(a)-(d)).

<u>Extension of Time</u>	<u>Large Entity Fee</u>	<u>Small Entity Fee</u>
i. One (1) month .	____ \$ 110.00	____ \$ 55.00
ii. Two (2) month .	____ \$ 410.00	____ \$ 205.00
iii. Three (3) month .	____ \$ 930.00	____ \$ 465.00
iv. Four (4) month .	____ \$ 1,450.00	____ \$ 725.00
v. Five (5) month .	____ \$ 1,970.00	____ \$ 985.00

Extension Time Fee Total: .00

- X b. Applicant believes that no extension of time is required. However, this conditional petition is being made in case Applicant has inadvertently overlooked the need for a petition for extension of time.

4. FEE CALCULATION:

The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

Fee Items	Claims Remaining After Amendment	Highest Number of Claims Previously Paid	Present Extra Claims	Fee Rate	Total
a. Total Claims		- 20 =	0	x \$ 18.00 Large Entity x \$ 9.00 Small Entity	\$
b. Independent Claims		- 3 =	0	x \$ 84.00 Large Entity x \$ 42.00 Small Entity	\$
c. Multiple Dependent Claims Added By This Amendment				x 280.00 Large Entity x 140.00 Small Entity	
d. Extension of Time Fee Total, if any, from above EXTENSION OF TIME section 3a.					\$.00
e. Additional Fees Required With This Correspondence i) 1.17 (p) Fee for Information Disclosure under 1.97(c)					\$.00
e. Total Fees					\$.00

5. PAYMENT OF FEES

The full fee due in connection with this communication is provided as follows:

_____ The Commissioner is hereby authorized to charge the fees associated with this communication or credit any overpayment to **Deposit Account No: 500482**. A duplicate copy of this authorization is enclosed.

_____ A Check # _____ for \$ _____ for the above specified Total Fee is enclosed. However, should Applicant inadvertently miscalculated the required fee, the Commissioner is hereby authorized to charge the necessary additional amount associated with this communication or credit any overpayment to **Deposit Account No: 500482**.

X Applicant does not believe that any payment of fee is needed in association with this communication. However, should Applicant inadvertently miscalculated the required fee, the Commissioner is hereby authorized to charge any necessary amount associated with this communication or credit any overpayment to **Deposit Account No: 500482**.

Please direct all correspondence concerning the above-identified application to the following address:

FERNANDEZ AND ASSOCIATES, LLP

Patent Attorneys

P.O. BOX D

Menlo Park, CA 94026-6204

Phone: (650) 325-4999


Fax: (650) 325-1203




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PATENT TRADEMARK OFFICE

Respectfully submitted,


DENNIS S. FERNANDEZ
Registration No. 34,160

4/22/03
Date

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Name: <u>MARTINA M. TARRA</u>	
Date: <u>4/22/03</u>	Signature



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: FERNANDEZ

Attorney Docket No.: FERN-P006

Serial No.: 09/435,504

Group Art Unit: 3626

Filed: 11/06/99

Examiner: Robert W. Morgan

5 Title: "BIOINFORMATIC TRANSACTION SCHEME"

AMENDMENT

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

10 In the Specification:

Please amend paragraph on page 6, lines 15-20:

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15 --Additionally, such data structure may include application-specific transaction control and payload fields, depending on user-authorized transaction basis. Optionally, data structure may be provided digitally in representative electronic signal form which may be encoded, compressed, transmitted, stored, received, and decoded, according to one or more secure signal or data modulation scheme, as spread spectrum, or other time/frequency/code-division multiple access (T/F/CDMA) scheme.--

REMARKS

20 This paper is in response to Office Action dated 01/07/2003. Specification is amended for minor spelling correction. No fee is required.

Examiner rejected claims 1, 5, 7, 8, 11, 12, 21-25 and 27 under 35USC103a per Hoffman et al. (USPAT 6366682) and O'Flaherty et al. (USPAT 6275824). Also, claims 2-4, 6, 9, 10 and 28 are rejected under 35USC103a per Hoffman, O'Flaherty and Beecham (USPAT 5876926);
25 and claim 26 is rejected under 35USC103a per Hoffman, O'Flaherty, Beecham and Rigault et al. (USPAT 6389428). Applicant respectfully traverses the Examiner's rejections.

30 Hoffman teaches tokenless electronic transaction system, among other things, wherein buyer signals acceptance by adding to proposed commercial transaction personal authentication including a PIN and certain bid biometric sample from buyer's person (see Abstract). In particular, Hoffman (col. 9, lines 8-33) describes identification scheme using biometric input device with biometric scanner for fingerprint, voice input, palm print, or retinal information. This